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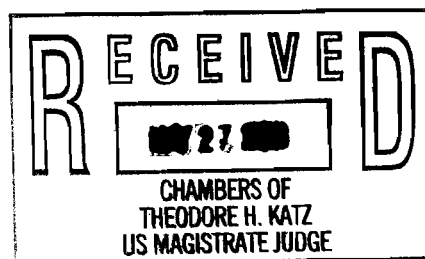
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May 23, 2008

By Hand Delivery

Hon. Theodore H. Katz
Magistrate Judge
U.S. District Court for the
Southern District of New York
500 Pearl Street
New York, NY 10007-1312



Re: Hughes, et al. v. Getronics Wang LLC, et al., 07-CV-10356 (LAK)

Dear Judge Katz:

We represent Plaintiffs in the above-captioned action and write in response to Defendants' May 22, 2008 letter regarding the deposition of Chrystie Kilger.

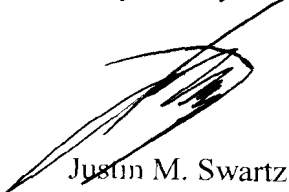
This dispute is not ripe because the parties have not reached an impasse. As we told Defendants in our last correspondence to them before they wrote the Court, Plaintiffs have not refused to produce Ms. Kilger for a deposition in New York. (A copy of this email is attached as Exhibit A). Ms. Kilger received a threatening message causing her apprehension about continuing to participate in this case. We told Defendants that we need some time to talk to Ms. Kilger and for her to make a decision, and proposed that we follow-up on the matter during the latter part of the week of May 26. (A copy of this email is attached as Exhibit B). Discovery in this matter does not end until August 15, 2008. Defendants' application is premature.

We also dispute Defendants insinuation that Plaintiffs are attempting to gain a tactical advantage. To the contrary, we made arrangements to produce the other named Plaintiff, Kevin Hughes on May 29, 2008, the date for which Defendants noticed his deposition. Although Mr. Hughes had agreed to appear, Defendants cancelled the deposition, claiming that they were "constrained" to do so by Ms. Kilger's cancellation.

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Although Plaintiffs are certainly willing to appear for a conference before Your Honor, we believe that it would not be a good use of the Court's or the parties' time at this juncture.

Respectfully submitted,



Justin M. Swartz

cc: David Greenhaus, Esq., counsel for Defendants (*via electronic and regular mail*)
Richard J. Burch, Esq., co-counsel for Plaintiffs (*via electronic mail*)
Ossai Miazad, Esq.

If Ms. Kilger intends to proceed as a named Plaintiff in this action, she must appear in New York for her deposition. The parties are to agree on deposition dates by no later than June 10, 2008.

SO ORDERED

5/27/08

THEODORE H. KATZ
UNITED STATES MAGISTRATE JUDGE